

Michael D. Kuznetsky, Esq., California State Bar No. 241045  
 mike@kuzlaw.com  
 KUZNETSKY LAW GROUP, P.C.  
 6565 Sunset Boulevard, Suite 311  
 Hollywood, CA 90028  
 (818) 753-2450, Fax: (818) 736-9099

Gene J. Brockland, Missouri State Bar No. 32770  
 (To File an Application to be Admitted Pro Hac Vice)  
 gjb@herzogcrebs.com  
 HERZOG CREBS LLP  
 100 North Broadway, Suite 1400  
 St. Louis, MO 63102  
 (314) 231-6700, Fax: (314) 231-4656

Attorneys for Plaintiff

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**UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA**

JOHN RAIMONDI,

Plaintiff,

vs.

IGOR OLENICOFF, OLEN PROPERTIES CORP.,  
 and DOES 1 through 10, inclusive,

Defendants.

Case No.:

**COMPLAINT FOR DAMAGES  
 FOR:**

**(1) COPYRIGHT INFRINGEMENT;  
 (2) CONTRIBUTORY COPYRIGHT  
 INFRINGEMENT; AND  
 (3) VICARIOUS COPYRIGHT  
 INFRINGEMENT**

**DEMAND FOR JURY TRIAL**

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L/N

COMES NOW Plaintiff, JOHN RAIMONDI for his Complaint against IGOR OLENICOFF, OLEN PROPERTIES CORP., and DOES 1 through 10, inclusive, (collectively "Defendants"), and alleges as follows:

**JURISDICTION AND VENUE**

1. This is an action involving claims of copyright infringement under the Copyright Act, 17 U.S.C. §§ 101, *et seq.* The Court has jurisdiction over Plaintiff's federal claims pursuant to 17 U.S.C. §§ 101, *et seq.*, 28 U.S.C. §§ 1331 and 1338(a).

2. This Court has personal jurisdiction over Defendants, IGOR OLENICOFF and OLEN PROPERTIES CORP. based on their significant contacts in the Central District of California and elsewhere in the United States arising from, among other things, their infringement in the Central District of California of copyright rights protected by United States and California law, and their other continuous and systemic contacts within the Central District of California.

3. Venue in this judicial district is proper under 28 U.S.C. §1391(b) and/or 28 U.S.C. §1400(a).

**THE PARTIES**

4. Plaintiff, JOHN RAIMONDI (hereafter "Plaintiff" or "RAIMONDI") is an individual and a citizen of Palm Beach Gardens, Florida.

5. Plaintiff is informed and believes, and thereon alleges, that Defendant, IGOR OLENICOFF (hereafter "OLENICOFF") is an individual and citizen of California residing within the County of Orange, California.

6. Defendant, OLEN PROPERTIES CORP. (hereafter "OLEN PROPERTIES") is a corporation organized and existing under the laws of the State of Florida, with its principal place of business within Newport Beach, California. OLEN PROPERTIES is registered and/or qualified to do business in the State of California and has an agent for service of process in Newport Beach, California.

7. The true names and capacities, whether individual, corporate, associate or otherwise, of defendants DOES 1 through 10 inclusive, are unknown to Plaintiff, who

1 therefore sue said defendants by such fictitious names. Plaintiff will amend this Complaint  
2 to include their proper names and capacities when they have been ascertained. Plaintiff is  
3 informed and believes, and based thereon alleges, that each of the fictitiously named  
4 defendants participated in and are in some manner responsible for the acts described in this  
5 Complaint and damage resulting therefrom.

6 8. Plaintiff alleges on information and belief that each of the defendants named  
7 herein as DOES 1 through 10 inclusive, performed, participated in, or abetted in some  
8 manner, the acts alleged herein, proximately caused the damages alleged hereinbelow, and  
9 are liable to Plaintiff for the damages and relief sought herein.

10 9. Plaintiff alleges on information and belief that, in performing the acts and  
11 omissions alleged herein, and at all times relevant hereto, each of the Defendants was the  
12 agent and employee of each of the other Defendants and was at all times acting within the  
13 course and scope of such agency and employment with the knowledge and approval of each  
14 of the other Defendants.

#### 15 **FACTUAL ALLEGATIONS**

16 10. This is an action arising under the Copyright Act, 17 U.S.C. §101 *et seq.*, for  
17 knowing and intentional infringement of Plaintiff's copyrighted works; namely unauthorized  
18 copies of Plaintiff's sculptures entitled "Dian" and "Ceres."

19 11. At all times mentioned herein, OLENICOFF was and is a billionaire real estate  
20 developer and, according to Forbes, is one of the 150 wealthiest persons in America.  
21 Between 1998 and 2004, OLENICOFF maintained foreign bank accounts through a series  
22 of shell companies designed to obscure his ownership and control. During those years  
23 OLENICOFF falsely stated under the penalty of perjury on his U.S. tax returns that he had no  
24 interest in any foreign accounts. His blatant deceit was discovered by the IRS and the United  
25 States Department of Justice, and he was prosecuted for criminal tax fraud. Faced with the  
26 overwhelming evidence of his crimes, OLENICOFF pled guilty and admitted under oath that  
27 he had knowingly and willfully lied on his tax returns for a period of at least seven years. He

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1 was convicted and as part of his sentence required to pay over \$50 million to the United  
2 States government.

3 12. OLENICOFF is the President of OLEN PROPERTIES. Plaintiff is informed and  
4 believes, and thereon alleges, that OLENICOFF is the sole owner of OLEN PROPERTIES.

5 13. OLEN PROPERTIES owns approximately 11,000 residential units and 6.25  
6 million square feet of commercial space in California, Nevada, Florida, and Chicago.

7 14. At all times mentioned herein, RAIMONDI was and is a contemporary American  
8 sculptor of international distinction and renown. He is celebrated and collected as a creator  
9 and builder of monumental works that are solid in form and fluid in movement. RAIMONDI  
10 has completed more than 100 monumental sculptures for public, corporate, and private  
11 collections worldwide.

12 15. In 1987, RAIMONDI created a sculpture entitled "Dian." Dian is sold in limited  
13 editions of various sizes. RAIMONDI's price to sell monumental editions of the Dian sculpture  
14 is at least \$200,000 each. True and correct photographs of the Dian sculpture are attached  
15 hereto as Exhibits C and D.

16 16. In 1994, RAIMONDI created a sculpture entitled "Ceres." Ceres is sold in limited  
17 editions of various sizes. RAIMONDI's price to sell monumental editions of the Ceres  
18 sculpture is at least \$200,000 each. True and correct photographs of the Ceres sculpture are  
19 attached hereto as Exhibits E and F.

20 17. In or about 2001, OLENICOFF contacted RAIMONDI to discuss purchasing  
21 some of RAIMONDI's editions of the Dian and Ceres sculptures (collective the "Sculptures")  
22 for use as public art at Defendants' commercial property locations. The Sculptures were to  
23 be custom-made for Defendants, as they were not in RAIMONDI's inventory. Defendants  
24 represented to RAIMONDI that they were interested in purchasing his art in order to comply  
25 with city ordinance(s) requiring developers to spend a certain percentage of money on public  
26 art; in this instance between \$100,000 and \$250,000.

27 18. RAIMONDI flew to Defendants' headquarters in Newport Beach, California,  
28 where OLENICOFF and RAIMONDI discussed the transaction in person on two separate



1 occasions. At the second meeting, RAIMONDI left OLENICOFF requested photographs,  
2 detailed drawings, and a price sheet of the Sculptures; in particular, OLENICOFF requested  
3 photographs showing multiple views of the Sculptures. Defendants submitted such  
4 photographs of RAIMONDI's Sculptures to the City of Brea for consideration of complying with  
5 the public art requirement.

6 19. Beginning approximately ten days after the second meeting, OLENICOFF  
7 refused to speak with RAIMONDI. Defendants instead had an assistant relay to RAIMONDI  
8 that OLENICOFF had a change of heart about the Sculptures.

9 20. Instead of purchasing the Sculptures from RAIMONDI, Defendants, at their  
10 direction, had multiple unauthorized and infringing copies of the Sculptures manufactured in  
11 China.

12 21. At least 2 monumental unauthorized copies of the Dian sculpture were installed  
13 by Defendants at various commercial properties owned by Defendants. True and correct  
14 photographs of the infringing Dian sculptures are attached hereto as Exhibits G and H.

15 22. At least 2 monumental unauthorized copies of the Ceres sculpture were  
16 installed by Defendants at various commercial properties owned by Defendants. True and  
17 correct photographs of the infringing Dian sculptures are attached hereto as Exhibits I and J.

18 23. Defendants have further publicly displayed photographs of their infringing  
19 sculptures on their company website without Plaintiff's authorization. True and correct screen  
20 shots of the infringing Dian and Ceres sculptures on OLEN PROPERTIES' website are  
21 attached hereto as Exhibits K and L, respectively.

22 24. RAIMONDI discovered the infringing sculptures alleged herein beginning in or  
23 about September 2010. At that time, RAIMONDI was contacted by a representative from the  
24 City of Brea who noticed the works at Defendants' buildings which attributed credit to a  
25 Chinese artist. The representative was aware that the works had previously been submitted  
26 to the City of Brea by Defendants listing RAIMONDI as the artist and thus advised of the  
27 infringement.

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1           25.    At no point did RAIMONDI authorize the Defendants' manufacture, replication,  
2 or public display of the Sculptures.

3                               **FIRST CAUSE OF ACTION**

4                               **COPYRIGHT INFRINGEMENT**

5                               **(By Plaintiff Against All Defendants and DOES 1 through 10)**

6           26.    Plaintiff realleges each and every allegation set forth above, and incorporates  
7 them herein by this reference.

8           27.    The two Sculptures contain a substantial amount of wholly original expression  
9 and are copyrightable subject matter under the laws of the United States.

10          28.    Plaintiff is the sole proprietor of all right, title, and interest to the Sculptures.  
11 Plaintiff has registered copyrights for the Sculptures in the United States Copyright Office.  
12 True and correct copies of the copyright registrations for the Dian and Ceres sculptures are  
13 attached hereto as Exhibits A and B, respectively.

14          29.    By manufacturing, replicating, and publicly displaying at least four unauthorized  
15 copies of Plaintiff's Sculptures, Defendants have infringed and will continue to infringe  
16 Plaintiff's exclusive rights in and to the Sculptures.

17          30.    Defendants, and each of them, have knowingly and willfully copied, reproduced,  
18 and publicly displayed the Sculptures in multiple locations owned by Defendants, and are  
19 otherwise infringing upon Plaintiff's exclusive rights in the Sculptures for the specific purpose  
20 of infringing Plaintiff's rights in and to the copyrights in the Sculptures for Defendants' own  
21 benefit and pecuniary interest and to the detriment of Plaintiff. By copying, reproducing, and  
22 publicly displaying the Sculptures, Defendants have infringed Plaintiff's exclusive rights in and  
23 to the copyrights in the Sculptures.

24          31.    Pursuant to 17 U.S.C. § 504, Plaintiff seeks to recover actual damages suffered  
25 by Plaintiff as the result of Defendants' infringement and any and all profits of Defendants that  
26 are attributable to the infringement and are not taken into account in computing actual  
27 damages.

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1           32. The conduct of each Defendant is causing and, unless enjoined and restrained  
2 by this Court, will continue to cause Plaintiff great and irreparable injury. Pursuant to 17  
3 U.S.C. §§ 502 and 503, Plaintiff is entitled to injunctive relief prohibiting each Defendant from  
4 further contributing to infringing Plaintiff's copyright and ordering that each Defendant destroy  
5 all copies of the Sculptures made in violation of Plaintiff's exclusive rights to the copyright.

6                                   **SECOND CAUSE OF ACTION**

7                                   **CONTRIBUTORY COPYRIGHT INFRINGEMENT**

8                                   **(By Plaintiff Against All Defendants and DOES 1 through 10)**

9           33. Plaintiff realleges each and every allegation set forth above, and incorporates  
10 them herein by this reference.

11           34. Plaintiff is informed and believes, and upon that basis alleges, that each  
12 defendant, with knowledge of the infringing activities of third parties and other of the  
13 Defendants, as well as with the ability to control same and the intent to themselves benefit,  
14 either directly or indirectly has infringed and threatens to further infringe the copyright in the  
15 Sculptures by the acts alleged herein and by participating in or otherwise knowingly  
16 contributing to the unauthorized manufacture, reproduction, and public display of the  
17 Sculptures within this judicial district and elsewhere, and each Defendant has induced,  
18 caused and materially contributed to, and continues to induce, cause and materially contribute  
19 to, the infringing conduct by such third parties and other defendants.

20           35. The participation in or otherwise knowing contribution by Defendants to the  
21 unauthorized reproduction and public display of the Sculptures is in violation of 17 U.S.C. §§  
22 106(1) and 106(3).

23           36. Defendants' reproduction and public display of the Sculptures is without any  
24 permission, license, or authorization from Plaintiff.

25           37. Plaintiff has no adequate remedy at law and has suffered, and is continuing to  
26 suffer irreparable harm and damage as a result of the aforesaid acts of contributory copyright  
27 infringement. Defendants are each liable in amounts within the jurisdiction of this Court.

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1 manufacturer to copy. As a direct and proximate result, Defendants have infringed Plaintiff's  
2 copyrights in the Sculptures as set forth above.

3 46. At all times relevant herein, Defendants derived substantial financial benefit from  
4 infringements of Plaintiff's copyrights in that, among other things, Defendants did not pay  
5 RAIMONDI the customary price for the purchase of his Sculptures. Further, the public display  
6 of the infringing sculptures makes Defendants' properties more attractive to potential tenants,  
7 as evidenced by Defendants' display of the infringing works on their website.

8 47. The foregoing acts of infringement by Defendants have been willful, intentional,  
9 and purposeful, in disregard of and indifference to the rights of Plaintiff.

10 48. Defendants' conduct, as alleged herein, constitutes vicarious infringement of  
11 Plaintiff's copyrights and exclusive rights under copyright, in violation of the Copyright Act, 17  
12 U.S.C. §§ 106, 115, and 501.

13 49. As a direct and proximate result of Defendants' vicarious infringement of  
14 Plaintiff's copyrights and exclusive rights under copyright, Plaintiff is entitled to actual  
15 damages and Defendants' profits pursuant to 17 U.S.C. § 504(b) for each infringement.

16 50. The conduct of each Defendant is causing and, unless enjoined and restrained  
17 by this Court, will continue to cause Plaintiff great and irreparable injury. Pursuant to 17  
18 U.S.C. §§ 502 and 503, Plaintiff is entitled to injunctive relief prohibiting each Defendant from  
19 further contributing to infringing Plaintiff's copyright and ordering that each Defendant destroy  
20 all copies of the Sculptures made in violation of Plaintiff's exclusive rights to the copyright.

21 **PRAYER FOR RELIEF**

22 WHEREFORE, Plaintiff, JOHN RAIMONDI prays for judgment against Defendants, and  
23 each of them, as follows:

24 1. For actual damages resulting from Defendants' copyright infringement pursuant  
25 to 17 U.S.C. § 504;

26 2. For any and all profits of Defendants that are attributable to the infringement and  
27 are not taken into account in computing actual damages pursuant to 17 U.S.C. § 504;

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3. For entry of preliminary and permanent injunctions providing that each Defendant shall be enjoined from directly or indirectly infringing Plaintiff's rights in the sculptures entitled "Dian" and "Ceres," and any sculpture, whether now in existence or later created, that is owned, licensed to, or controlled by Plaintiff ("Plaintiff's Sculptures"), except pursuant to a lawful license or with the express authority of Plaintiff. Each Defendant also shall destroy all copies of Plaintiff's Sculptures that Defendant has at any of its locations without Plaintiff's authorization, or alternatively each Defendant shall deliver possession of such copies to Plaintiff, and shall be enjoined from otherwise selling, distributing, giving, or otherwise disposing of any unauthorized copies of Plaintiff's Sculptures.

4. For interest provided by law.

5. For such other and further relief against Defendants as the Court may deem just and proper.

Dated: December 3, 2012

By: 

Michael D. Kuznetsky, Attorney for Plaintiff  
KUZNITSKY LAW GROUP, P.C.  
6565 Sunset Boulevard, Suite 311  
Hollywood, CA 90028  
mike@kuzlaw.com  
Telephone No. (818) 753-2450

and

Gene J. Brockland  
HERZOG CREBS LLP  
100 North Broadway, Suite 1400  
St. Louis, MO 63102  
gjb@herzogcrebs.com  
(314) 231-6700

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**DEMAND FOR JURY TRIAL**

Plaintiffs hereby demand a jury trial pursuant to F.R.Civ.P. 38(b) and Local Central District Rule 38-1.

Dated: December 3, 2012

By: 

Michael D. Kuznetsky, Attorney for Plaintiff  
KUZNETSKY LAW GROUP, P.C.  
6565 Sunset Boulevard, Suite 311  
Hollywood, CA 90028  
mike@kuzlaw.com  
Telephone No. (818) 753-2450

and

Gene J. Brockland  
HERZOG CREBS LLP  
100 North Broadway, Suite 1400  
St. Louis, MO 63102  
gjb@herzogcrebs.com  
(314) 231-6700

Type of Work: Visual Material

Registration Number / Date:  
VA0001833637 / 2012-08-11

Application Title: Dian.

Title: Dian.

Description: Electronic file (eService)

Copyright Claimant:  
John Richard Raimondi, 1948- .

Date of Creation: 1987

Date of Publication:  
1987-05-15

Nation of First Publication:  
United States

Authorship on Application:  
John Richard Raimondi, 1948- ; Domicile: United States;  
Citizenship: United States. Authorship: sculpture.

Rights and Permissions:  
John Richard Raimondi, 159 Sunset Bay Drive, Palm Beach  
Gardens, FL, 33418, (561) 799-3484, (212) 888-5400,  
jrsculptor@gmail.com

Names: Raimondi, John Richard, 1948-

=====

Type of Work: Visual Material

Registration Number / Date:  
VA0001833632 / 2012-08-11

Application Title: Ceres.

Title: Ceres.

Description: Electronic file (eService)

Copyright Claimant:  
John Richard Raimondi, 1948- .

Date of Creation: 1994

Date of Publication:  
1994-04-22

Nation of First Publication:  
United States

Authorship on Application:  
John Richard Raimondi, 1948- ; Domicile: United States;  
Citizenship: United States. Authorship: sculpture.

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Names: Raimondi, John Richard, 1948-

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Grammar of Bronze

Michael

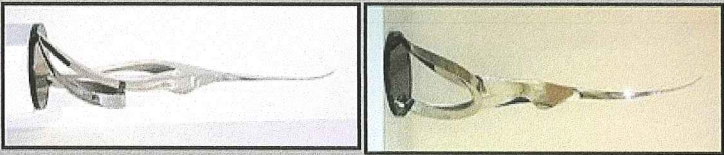
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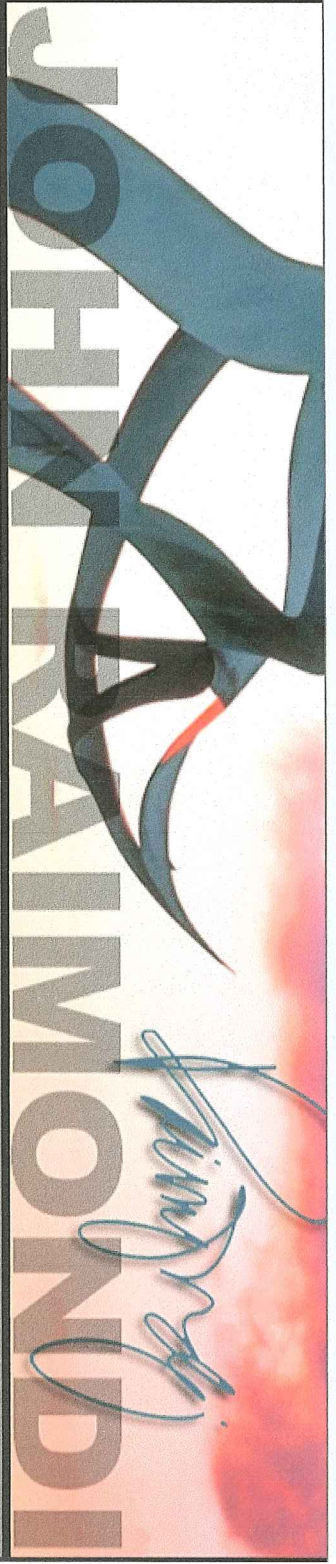
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